



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
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June 15, 2022

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VIA ECF

Hon. Gregory H. Woods
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: *e Tailers ISS, Inc., et al. v. Miller, et al.*, No. 21 Civ. 7397 (GHW)

Dear Judge Woods:

This Office represents the government in this action in which the plaintiffs seek an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate their Immigrant Petition for Alien Worker (Form I-140), Application to Register Permanent Residence or Adjust Status (Form I-485), and Application for Employment Authorization (Form I-765). On behalf of the government, I write respectfully to request an on-consent fifteen-day extension of time to respond to the complaint from June 17, 2022 to July 5, 2022.¹ I also respectfully request that the pretrial conference presently scheduled for July 1, 2022, be adjourned to the week of July 18, 2022, or thereafter.

I respectfully request this extension because USCIS issued a Notice of Intent to Deny (“NOID”) in this case on December 16, 2021, and the plaintiffs submitted their response to USCIS on March 14, 2022.² USCIS needs additional time to review the lengthy response submitted by the plaintiffs, after which USCIS may be in a position to take further adjudicative action that could render this action moot. This is the government’s fourth request for an extension of the deadline to respond to the complaint and an adjournment of the initial conference; the Court granted the prior requests. *See* ECF Nos. 29, 31, and 34. Plaintiffs consent to these requests.

¹ Given that a fifteen-day extension falls on Saturday, July 2, 2022, followed by a Sunday and a federal holiday, the deadline would be extended until Tuesday, July 5, 2022. *See* Fed. R. Civ. P. 6(a)(1).

² The response time for a NOID is generally thirty days; however, USCIS has extended response deadlines by sixty days due to the COVID-19 pandemic.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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United States Attorney

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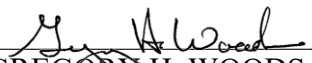
cc: Counsel of record (via ECF)

The Government's application for an extension of time to answer or otherwise respond to the complaint and to adjourn the initial pretrial conference is granted. The deadline for Government to answer or otherwise respond to the complaint is extended to July 5, 2022. The initial pretrial conference scheduled for July 1, 2022 is adjourned to July 20, 2022 at 2:00 p.m. The joint status letter described in the Court's September 27, 2021 order is due no later than July 13, 2022.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 37.

SO ORDERED.

Dated: June 15, 2022
New York, New York



GREGORY H. WOODS
United States District Judge